

## Article - Criminal Procedure

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§3–112.

- (a) (1) In this section, “designated health care facility” means:
- (i) a State facility as defined in § 10–101 of the Health – General Article;
  - (ii) a State forensic residential center; or
  - (iii) a hospital or private residential facility under contract with the Health Department to house and treat individuals found to be incompetent to stand trial or not criminally responsible.
- (2) “Designated health care facility” does not include a correctional or detention facility or a unit within a correctional or detention facility.
- (b) Except as provided in subsection (f) of this section, after a verdict of not criminally responsible, the court shall order the defendant committed to the facility that the Health Department designates for institutional inpatient care or treatment.
- (c) If the court commits a defendant who was found not criminally responsible primarily because of a mental disorder, the court may order the Health Department, as soon as possible after the defendant’s admission, but not to exceed 48 hours, to:
- (1) evaluate the defendant;
  - (2) develop a prompt plan of treatment for the defendant under § 10–706 of the Health – General Article; and
  - (3) evaluate whether there is a substantial likelihood that, without immediate treatment, including medication, the defendant will remain a danger to self or the person or property of another.
- (d) If the court commits a defendant who was found not criminally responsible primarily because of mental retardation, the Health Department shall designate a facility for mentally retarded persons for care and treatment of the committed person.

(e) If the court commits a defendant to the Health Department under subsection (b) or (d) of this section, the Health Department shall:

(1) admit the defendant to a designated health care facility as soon as possible, but not later than 10 business days after the Health Department receives the order of commitment; and

(2) notify the court of the date on which the defendant was admitted to the designated health care facility.

(f) If the Health Department fails to admit a defendant to a designated health care facility within the time period specified in subsection (e)(1) of this section, the court may impose any sanction reasonably designed to compel compliance, including requiring the Health Department to reimburse a detention facility for expenses and costs incurred in retaining the defendant beyond the time period specified in subsection (e)(1) of this section at the daily rate specified in § 9–402(b) of the Correctional Services Article.

(g) After a verdict of not criminally responsible, a court may order that a person be released, with or without conditions, instead of committed to the Health Department, but only if:

(1) the court has available an evaluation report within 90 days preceding the verdict made by an evaluating facility designated by the Health Department;

(2) the report indicates that the person would not be a danger, as a result of mental retardation or mental disorder, to self or to the person or property of others if released, with or without conditions; and

(3) the person and the State's Attorney agree to the release and to any conditions for release that the court imposes.

(h) The court shall notify the Criminal Justice Information System Central Repository of each person it orders committed under this section.

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